UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
DEPUTY

UNITED STATES OF AMERICA,	Magistrate Case No. '08 MJ 0741
Plaintiff,	
v.	**COMPLAINT FOR VIOLATION OF:**
	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
Marco Antonio SANCHEZ-Hernandez,	
Defendant(s)	

The undersigned complainant, being duly sworn, states:

On or about **March 9, 2008,** within the Southern District of California, defendant **Marco Antonio SANCHEZ-Hernandez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Ascencion DE LA LUZ-Rafaela, Francisco DE LA LUZ-Rafaela,** and **Abel PENA-Silva** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF **MARCH 2008.**

~~[illegible] Papas~~
UNITED STATES MAGISTRATE JUDGE

SLF

CONTINUATION OF COMPLAINT:
Marco Antonio SANCHEZ-Hernandez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Ascencion DE LA LUZ-Rafaela, Francisco DE LA LUZ-Rafaela,** and **Abel PENA-Silva** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 9, 2008, Senior Patrol Agent D. Neckel was assigned to Traffic Check duties at the State Route 94 Checkpoint. At approximately 9:30 AM a citizen reported an older silver Ford pick up with a white camper shell picking up suspected illegal aliens on Lyons Valley Road near Harper Ranch Road. This area is approximately 14 miles north of the International Border and approximately 3 miles west of the Tecate, California Port of Entry.

Agent Neckel immediately responded from the checkpoint and positioned himself in his unmarked service K9 vehicle in a location to observe traffic traveling north from the area. Simultaneously, Senior Patrol Agent A. Purkett responded to the same call and positioned himself in a similar position to observe traffic leaving the Lyons Valley area. At approximately 9:40 AM Agent Purkett observed a vehicle matching the description traveling west on Lyons Valley Road and turning north onto Jamul Drive. Agent Purkett followed the vehicle in his marked USBP service vehicle and initiated records checks on the vehicle through USBP dispatch.

Agent Neckel remained ahead of Agent Purkett in order to assist in a vehicle stop if necessary. Agent Purkett continued to observe the vehicle as it traveled north on Jamul Drive, noting that the vehicle appeared to be heavily loaded and that the driver seemed to be checking his rear view mirrors frequently.

As the vehicle reached the intersection of Jamul Drive and Steele Canyon Road, the driver, later identified as the defendant **Marco Antonio SANCHEZ-Hernandez**, drove his vehicle into the left turn lane and proceeded to turn right onto Steele Canyon Drive, apparently to avoid being blocked by civilian traffic waiting at the traffic light. Agent Neckel was able to clearly observe the driver of the truck as this occurred; there were no other people visible in the cab of the truck. At this point, both Agents Purkett and Neckel activated their emergency lights and sirens to attempt to stop the defendant.

The defendant again made a right from the left turn lane from Steele Canyon Road onto Willow Glenn Road and proceeded north on Willow Glenn for approximately 200 yards before slowing and pulling to the side of the road. At this time all of the occupants of the vehicle exited and attempted to flee, including the defendant. Agents Purkett and Neckel were able to detain the defendant and four other subjects at this time, approximately 9:45 AM. After securing these 5 subjects, Agent Neckel deployed his service K9 Brutus (NCF# 030702) and began to search for 4 additional subjects that had been seen exiting the vehicle as it was slowing down. After an extensive search of the area, Agent Neckel and Brutus located two of the four subjects. These subjects stated that they had been riding in the truck. The other two subjects absconded.

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CONTINUATION OF COMPLAINT:
Marco Antonio SANCHEZ-Hernandez

Prior to being transported to the SR 94 for processing, all of the subjects were interviewed by Agent Purkett. Agent Purkett identified himself as a US Border Patrol Agent and conducted an immigration inspection on each subject. Each of the six subjects stated that they were citizens and nationals of Mexico who had illegally crossed the border into the United States. The defendant stated that he was a citizen of the United States by virtue of his birth in Chula Vista, California. The defendant presented a US Passport as identification. The defendant stated that he has never been issued a drivers license. All seven subjects and the vehicle were transported to the SR 94 Checkpoint at approximately 11:15 AM.

MATERIAL WITNESSES STATEMENTS:

DE LA LUZ-Rafaela, Ascencion stated that he made arrangements to be smuggled from Mexico to Santa Ana, California with an unnamed smuggler in Tijuana, B.C. Mexico. DE LA LUZ-Rafaela, Ascencion stated that he was to pay $2000.00 (USD) for this service.

DE LA LUZ-Rafaela, Francisco stated that he made arrangements to be smuggled from Mexico to Santa Ana, California. DE LA LUZ-Rafaela, Francisco stated that he was to pay $2000.00 (USD) for this service. DE LA LUZ-Rafaela, Francisco stated that he crossed the border with his brother Ascencion and that they intended to travel to Santa Ana together.

PENA-Silva, Abel stated he had made arrangements in Mexico to be smuggled to Los Angeles, California. PENA-Silva stated that he had agreed to pay the man $2,000.00 (USD).